

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MOODY W. TANKSLEY, No. CIV S-08-2881-CMK-P

Plaintiff,

vs. ORDER

ARANDA, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action.

On July 21, 2009, the court directed plaintiff to show cause why this action should not be dismissed for lack of prosecution and failure to comply with court rules and orders. The court stated:

On June 9, 2009, the court determined that plaintiff's complaint was appropriate for service and directed plaintiff to submit documents for service by the United States Marshal within 30 days. Plaintiff was warned that failure to submit the required documents may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 11-110. To date, plaintiff has not submitted the required documents as directed.

1 Specifically, plaintiff has failed to submit the required eight copies of his
2 second amended complaint.

3 Plaintiff shall show cause in writing, within 30 days of the
4 date of this order, why this action should not be dismissed for failure to
5 submit the required service documents. Plaintiff is again warned that
6 failure to respond to this order may result in dismissal of the action for the
7 reasons outlined above, as well as for failure to prosecute and comply with
8 court rules and orders. See id.

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10 To date, plaintiff has not responded to the order to show cause or otherwise prosecuted this
11 action as required by the court's prior orders. Accordingly, this action is dismissed without
12 prejudice and all pending motions are denied as moot. The Clerk of the Court is directed to enter
13 judgment and close this file.

14 IT IS SO ORDERED.

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16 DATED: August 27, 2009

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2009-08-27-Craig M. Kellison

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE